

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_<sup>x</sup>  
JEFFREY S. VAUGHN, individually and on behalf  
of those Class Members similarly situated,

Plaintiffs,

Civil Case No.: 04 CV 08391

-against-

LEEDS, MORELLI & BROWN, P.C., LEEDS,  
MORELLI & BROWN, LLP., LEEDS & MORELLI,  
LEEDS, MORELLI & BROWN, PRUDENTIAL  
SECURITIES, INC., Successor PRUDENTIAL  
FINANCIAL, INC., WACHOVIA CORPORATION,  
WACHOVIA SECURITIES, LLC, LENARD LEEDS,  
STEVEN A. MORELLI, JEFFREY K. BROWN, and  
JOHN DOES, JAMES VAGNINI, FREDERIC DAVID  
OSTROVE, ROBERT JOHN VALLI, JR.,  
DISCRIMINATION ON WALL STREET, INC. and  
DISCRIMINATION ON WALL STREET  
MANHATTAN, INC., AND JOHN DOES, ESQS,  
1-10 a fictitious designation for presently unknown  
licensed Attorneys, professionals and/or  
unknown persons or entities,

NOTICE OF MOTION

Defendants.

\_\_\_\_\_<sup>x</sup>  
C O U N S E L:

PLEASE TAKE NOTICE that, pursuant to Rules 12(b)(1), 12(b)(2), 12(b)(4), 12(b)(5), 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure and 9 U.S.C. § 3, the accompanying Memorandum of Law and the Declaration of Steven A. Morelli, dated April 22, 2005, with exhibits annexed thereto, and the pleadings and all prior papers and proceedings heretofore had herein, defendants Leeds, Morelli & Brown, P.C. (incorrectly sued herein as Leeds, Morelli & Brown, LLP, Leeds & Morelli, and Leeds, Morelli & Brown) (the "Leeds Firm") Lenard Leeds, Steven A. Morelli, Jeffrey K. Brown, James Vagnini, Frederic David Ostrove, and Robert John Valli, Jr. (the "Leeds Defendants"), by its attorneys, Litchfield Cavo, LLP, will move this Court, before the Honorable Denise Cote, United States

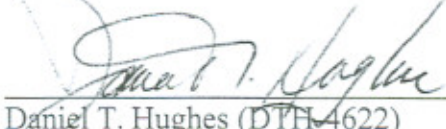
District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time set by the Court, for an order, dismissing the complaint or, in the alternative, staying this action, and awarding such other and further relief to the Leeds Defendants as this Court deems just and proper. The basis for the motion is set forth in the accompanying Memorandum of Law.

Pursuant to Local Civil Rule 6.1, all answering papers shall be served within ten business days after service of the moving papers.

Dated: New York, New York  
April 22, 2005

LITCHFIELD CAVO L.L.P.

By:

  
Daniel T. Hughes (DTH 4622)  
Attorneys for Defendants Leeds, Morelli  
& Brown, P.C. (incorrectly sued herein  
as Leeds, Morelli & Brown, LLP, Leeds  
& Morelli, and Leeds, Morelli & Brown),  
Lenard Leeds, Steven A. Morelli, Jeffrey  
K. Brown, James Vagnini, Frederic  
David Ostrove, and Robert John Valli, Jr.

To: Blaine H. Bortnick  
Liddle Robinson, LLP  
Attorney for Plaintiff  
685 Third Avenue  
New York, New York  
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Gerard Harper  
Paul, Weiss, Rifkind, Wharton & Garrison, LLP  
1285 Avenue of the Americas  
New York, NY 10019  
(212) 373-3000

-and-

Lowenstein Sandler, P.  
1330 Avenue of the Americas  
New York, NY 10019  
*Attorneys for Prudential Securities, Inc. and  
Prudential Financial, Inc.*

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK     )  
  )ss.:  
COUNTY OF NEW YORK   )

**AIDA JIMENEZ**, being sworn, deposes and says: I am not a party to the action, am over 18 years of age, reside in Bronx, New York, and am employed in the office of Litchfield Cavo.

On the **22<sup>nd</sup>** day of **April, 2005**, I served a true copy of the annexed **NOTICE OF MOTION, DECLARATION OF STEVEN MORELLI AND MEMORANDUM OF LAW**, by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last-known addressee(s) as indicated below:

TO: Blaine H. Bortnick  
Liddle Robinson, LLP  
685 Third Avenue  
New York, New York  
(212) 687-8500

Gerard Harper  
Paul, Weiss, Rifkind, Wharton & Garrison, LLP  
1285 Avenue of the Americas  
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-and-

Lowenstein Sandler, P.  
1330 Avenue of the Americas  
New York, NY 10019  
*Attorneys for Prudential Securities, Inc. and  
Prudential Financial, Inc.*

  
**AIDA JIMENEZ**

Sworn to before me this  
**22<sup>nd</sup>** day of **April, 2005**

  
Notary Public

JOSEPHINE CASORIA  
Notary Public, State of New York  
No. 01CA5022698  
Qualified in Nassau County  
Commission Expires Jan. 18, 20**06**